

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES L. BASLER,

Plaintiff,

v.

PURCELL TIRE & RUBBER CO.,

Defendant.

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No. 4:10CV231RWS

JOHN J. CARSON,

Plaintiff,

v.

PURCELL TIRE & RUBBER CO.,

Defendant.

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No. 4:10CV232RWS

JAMES E. GILLIAM,

Plaintiff,

v.

PURCELL TIRE & RUBBER CO.,

Defendant.

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No. 4:10CV234DJS

MICHAEL K. MISSEY,

Plaintiff,	)	
	)	
v.	)	No. 4:10CV235FRB
	)	
PURCELL TIRE & RUBBER CO.,	)	
	)	
Defendant.	)	

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JAMES E. RIGGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10CV236DDN
	)	
PURCELL TIRE & RUBBER CO.,	)	
	)	
Defendant.	)	

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JUSTIN THEBEAU,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10CV238DDN
	)	
PURCELL TIRE & RUBBER CO.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

In each of the above-referenced lawsuits, the plaintiff alleges Defendant Purcell Tire & Rubber Co. terminated him in violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 *et seq*, the Fair Labor

Standards Act, 2 U.S.C. § 216, and the Missouri Human Rights Act. Mo. Rev. Stat. § 213.055. Plaintiff James L. Basler claims he was terminated on February 9, 2009, when he was 45 years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40. Plaintiff John J. Carson claims he was terminated on December 31, 2008, when he was 54 years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40. Plaintiff James E. Gilliam claims he was terminated on December 31, 2008, when he was 42 years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40. Plaintiff Michael K. Missey claims he was terminated on December 31, 2008, when he was 60 years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40. Plaintiff James E. Riggs claims he was terminated on December 31, 2008, when he was 58 years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40. Justin Thebeau claims he was terminated on December 31, 2008, when he was 41

years old, without any prior notice or an opportunity to correct any shortcomings and was replaced with a younger, less qualified employee under the age of 40.

Each of the above-referenced plaintiffs are represented by the same counsel of record, Stephen F. Gaunt of Steelman, Gaunt & Horsefield. Similarly, Terry L. Potter and Kate M. Heideman of Husch Blackwell Sanders LLP represent Purcell Tire & Rubber Co. in each of the above-referenced lawsuits. The parties have jointly moved for each of the lawsuits against Purcell Tire & Rubber Co. to be assigned to the same United States District Court Judge.

Rule 42(a) of the Federal Rules of Civil Procedure provides that a court may consolidate actions involving common questions of law or fact. In each of the above-referenced lawsuits, the plaintiff, who was over the age of forty, alleges Defendant Purcell Tire & Rubber Co. terminated him and replaced him with a younger, less qualified employee under the age of forty in violation of the Age Discrimination in Employment Act, the Fair Labor Standards Act, and the Missouri Human Rights Act. Five of the six plaintiffs were terminated on the same day, and all were terminated within a six week period. The parties agree that the cases involve “similar legal issues and share some of the same facts.” Under these circumstances, I believe that consolidation is appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that the parties' joint motion to assign cases to the same United States District Court Judge [#8] is **GRANTED**.

**IT IS FURTHER ORDERED** that John J. Carson v. Purcell Tire & Rubber Co., No. 4:10CV232RWS is consolidated with this action, James L. Basler v. Purcell & Tire Rubber Co., No. 4:10CV231RWS.

**IT IS FURTHER ORDERED** that James E. Gilliam v. Purcell Tire & Rubber Co., No. 4:10CV234DJS is consolidated with this action, James L. Basler v. Purcell & Tire Rubber Co., No. 4:10CV231RWS.

**IT IS FURTHER ORDERED** that Michael K. Missey v. Purcell Tire & Rubber Co., No. 4:10CV235FRB is consolidated with this action, James L. Basler v. Purcell & Tire Rubber Co., No. 4:10CV231RWS.


**IT IS FURTHER ORDERED** that James E. Riggs v. Purcell Tire & Rubber Co., No. 4:10CV236DDN is consolidated with this action, James L. Basler v. Purcell & Tire Rubber Co., No. 4:10CV231RWS.

**IT IS FURTHER ORDERED** that Justin Thebeau v. Purcell Tire & Rubber Co., No. 4:10CV238RWS is consolidated with this action, James L. Basler v. Purcell & Tire Rubber Co., No. 4:10CV231RWS.

**IT IS FURTHER ORDERED** that henceforth all pleadings and other documents in this matter shall be filed in James L. Basler v. Purcell & Tire Rubber

Co., No. 4:10CV231RWS. See E.D.Mo. L.R. 4.03 (“the consolidated cases shall be reassigned to the judge presiding in the lowest-numbered case.”)

Dated this 20th Day of April, 2010.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE